

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1327-MWD-E **TCEQ ID:** RN101521169 **CASE NO.:** 34441  
**RESPONDENT NAME:** Clint Independent School District

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> East Montana Elementary School Septic System, just north of Montana Avenue on O'Shea Road, approximately 3.3 miles east-northeast of the intersection of Zaragosa Road (State Highway 659) and Montana Avenue (U.S. Highway 62/180), El Paso County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Ricardo Estrada, Superintendent, Clint Independent School District, 14521 Horizon Boulevard, El Paso, Texas 79928  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 26, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 17, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>Failure to comply with permitted effluent limits for Biochemical Oxygen Demand ("BOD") [30 TEX. ADMIN. CODE § 305.125(1), TCEQ Permit No. WQ0014005001, Effluent Limitations and Monitoring Requirements A and TEX. WATER CODE § 26.121(a)(1)].</p>	<p><b>Total Assessed:</b> \$2,040</p> <p><b>Total Deferred:</b> \$408  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,632</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On or about June 16, 2007, disconnected the garbage disposal at the campus cafeteria;</p> <p>b. On or about June 16, 2007, instructed school personnel not to dispose of food or milk into the drains;</p> <p>c. On or about June 16, 2007, instructed school personnel not to dispose of wax or other cleaning solutions into the drains;</p> <p>d. Has continued submitting weekly samples as required by the permit. Additional monitoring will be performed during special times during the school year to insure that the Facility remains in compliance with its permitted effluent limits; and</p> <p>e. Access into the Facility has been secured. Access will be limited to authorized personnel and vehicles only.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0014005001.</p>

Additional ID Nos.: WQ00014005001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	23-Jul-2007	Screening	15-Aug-2007	EPA Due	
	PCW	24-Sep-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Clint Independent School District
Reg. Ent. Ref. No.	RN101521169
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34441	No. of Violations	1
Docket No.	2007-1327-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1  \$2,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History  2% Enhancement Subtotals 2, 3, & 7  \$40Notes  The Respondent has one NOV for unrelated violations.Culpability  No  0% EnhancementSubtotal 4  \$0Notes  The Respondent does not meet the culpability criteria.Good Faith Effort to Comply  0% ReductionSubtotal 5  \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes  The Respondent does not meet the good faith criteria.

Total EB Amounts	\$81	0% Enhancement*
Approx. Cost of Compliance	\$1,000	*Capped at the Total EB \$ Amount

Subtotal 6  \$0

## SUM OF SUBTOTALS 1-7

Final Subtotal  \$2,040OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment  \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Final Penalty Amount  \$2,040

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty  \$2,040

## DEFERRAL

 20% ReductionAdjustment  -\$408

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes 

Deferral offered for expedited settlement.

## PAYABLE PENALTY

 \$1,632

Screening Date 15-Aug-2007

Docket No. 2007-1327-MWD-E

PCW

Respondent Clint Independent School District

Policy Revision 2 (September 2002)

Case ID No. 34441

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101521169

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The Respondent has one NOV for unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 2%

<b>Screening Date</b> 15-Aug-2007 <b>Respondent</b> Clint Independent School District <b>Case ID No.</b> 34441 <b>Reg. Ent. Reference No.</b> RN101521169 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> Pamela Campbell <b>Violation Number</b> 1	<b>Docket No.</b> 2007-1327-MWD-E <div style="text-align: right;"> <b>PCW</b>  <small>Policy Revision 2 (September 2002)</small>  <small>PCW Revision June 26, 2007</small> </div>
--	---

  

<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), TCEQ Permit No. WQ0014005001 Effluent Limitations and Monitoring Requirements A and Tex. Water Code § 26.121(a)(1)
<b>Violation Description</b>	Failed to comply with its permitted effluent limits as shown in the attached table.

  

<b>Base Penalty</b>	\$10,000
---------------------	----------

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor		
	Actual			x	<b>Percent</b>	10%
	Potential					

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
					<b>Percent</b>	0%

  

<b>Matrix Notes</b>	The amount of pollutants discharged at the time of the violations were insignificant and did not exceed levels protective of human health or the environment.
---------------------	---

  

<b>Adjustment</b>	\$9,000
	\$1,000

  

**Violation Events**

Number of Violation Events	2	Number of violation days	180
----------------------------	---	--------------------------	-----

  

<small>mark only one with an x</small>	daily monthly quarterly semiannual annual single event	<div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px; text-align: center;">x</div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div> <div style="border: 1px solid black; width: 50px; height: 20px;"></div>			<b>Violation Base Penalty</b>	\$2,000
--	---	--	--	--	-------------------------------	---------

  

Two quarterly events are recommended.
---------------------------------------

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$81
	Violation Final Penalty Total
	\$2,040
This violation Final Assessed Penalty (adjusted for limits)	
\$2,040	

**Economic Benefit Worksheet****Respondent** Clint Independent School District**Case ID No.** 34441**Reg. Ent. Reference No.** RN101521169**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	4-Jan-2007	1-Mar-2008	1.2	\$4	\$77	\$81
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

This is the estimated cost to cease disposing of food, milk, wax and cleaning solutions into the Facility and to begin analyzing split samples of the effluent, and to remove and properly dispose of sludge at the Facility. Date Required is the first day of noncompliance. Final Date is the anticipated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance****\$1,000****TOTAL****\$81**

# Effluent Limit Violation Table

table rev. 12/11/2000

<b>Respondent</b>	Clint Independent School District
<b>ID Number(s)</b>	Permit No. WQ0014005001
<b>Docket Number</b>	2007-1327-MWD-E
<b>Enf. Coordinator</b>	Pamela Campbell

Corresponds to Violation Number:

1

<i>EFFLUENT PARAMETER</i>													
<i>Permit Limit</i>													
<i>Month/Year</i>	<i>BOD<sub>5</sub> single grab 100 mg/L</i>												
Jan. 4, 2007	134												
Jan. 11, 2007	101												
Jan. 18, 2007	234												
Jan. 25, 2007	214												
Feb. 1, 2007	c												
Feb. 8, 2007	372												
Feb. 15, 2007	181												
Mar. 1, 2007	195												
Mar. 8, 2007	104												
Mar. 28, 2007	152												
Apr. 5, 2007	209												
Apr. 12, 2007	108												
Apr. 19, 2007	145												
May 17, 2007	172												
May 24, 2007	196												
May 31, 2007	146												
June 7, 2007	118												
June 21, 2007	116												
June 28, 2007	156												

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD <sub>5</sub>
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH <sub>3</sub> -N
dissolved oxygen	DO
compliant (no excursions)	c





## Compliance History

Customer/Respondent/Owner-Operator:	CN600794952	Clint Independent School District	Classification: AVERAGE	Rating: 1.08
Regulated Entity:	RN101521169	EAST MONTANA ELEMENTARY	Classification: AVERAGE	Site Rating: 1.00
		SCHOOL SEPTIC SYSTEM		
ID Number(s):	WASTEWATER	PERMIT		WQ0014005001
Location:	JUST NORTH OF MONTANA AVE ON O'SHEA RD, APPROXIMATELY 3.3 MILES E-NE OF THE INTERSECTION OF ZARAGOSA RD (SH 659) AND MONTANA AVE (US HWY 62/180)			Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region:	REGION 06 - EL PASO			
Date Compliance History Prepared:	July 27, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 27, 2002 to July 27, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Pamela Campbell	Phone:	512 239-4493	

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- |                        |  |  |  |                          |  |
|------------------------|--|--|--|--------------------------|--|
| A.                     | Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government. |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| B.                     | Any criminal convictions of the state of Texas and the federal government.                                       |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| C.                     | Chronic excessive emissions events.  |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| D.                     | The approval dates of investigations. (CCEDS Inv. Track. No.)  |  |  |                          |  |
|                        | 1 06/23/2003 (61675)   |  |  |                          |  |
|                        | 2 08/21/2003 (151287)  |  |  |                          |  |
|                        | 3 07/17/2007 (565704)  |  |  |                          |  |
| E.                     | Written notices of violations (NOV). (CCEDS Inv. Track. No.)   |  |  |                          |  |
|                        | Date: 06/23/2003 (61675)   |  |  |                          |  |
|                        | Self Report?   | NO   |  | Classification: Moderate |  |
|                        | Citation:  | 30 TAC Chapter 319, SubChapter A 319.4   |  |                          |  |
|                        |  | Rqmt Prov: OP IV. Eff. Lim., B. Monitor. Req.  |  |                          |  |
|                        | Description:   | Failure to collect and analyze effluent samples in accordance with the entity's wastewater permit. |  |                          |  |
| F.                     | Environmental audits.  |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| G.                     | Type of environmental management systems (EMSs).   |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| H.                     | Voluntary on-site compliance assessment dates.   |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| I.                     | Participation in a voluntary pollution reduction program.  |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| J.                     | Early compliance.  |  |  |                          |  |
|                        | N/A  |  |  |                          |  |
| Sites Outside of Texas |  |  |  |                          |  |
|                        | N/A  |  |  |                          |  |



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CLINT INDEPENDENT SCHOOL  
DISTRICT  
RN101521169

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1327-MWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Clint Independent School District ("Clint ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Clint ISD appear before the Commission and together stipulate that:

1. Clint ISD owns and operates a wastewater treatment facility located just north of Montana Avenue on O'Shea Road, approximately 3.3 miles east-northeast of the intersection of Zaragosa Road (State Highway 659) and Montana Avenue (U.S. Highway 62/180) in El Paso County, Texas (the "Facility").
2. Clint ISD has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Clint ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Clint ISD is subject to the Commission's jurisdiction.
4. Clint ISD received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Clint ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Two Thousand Forty Dollars (\$2,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Clint ISD has paid One Thousand Six Hundred Thirty-Two Dollars (\$1,632) of the administrative penalty and Four Hundred Eight Dollars (\$408) is deferred contingent upon Clint ISD's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Clint ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Clint ISD to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Clint ISD have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Clint ISD has implemented the following corrective measures at the Facility:
  - a. On or about June 16, 2007, disconnected the garbage disposal at the campus cafeteria;
  - b. On or about June 16, 2007, instructed school personnel not to dispose of food or milk into the drains;
  - c. On or about June 16, 2007, instructed school personnel not to dispose of wax or other cleaning solutions into the drains;
  - d. Has continued submitting weekly samples as required by the permit. Additional monitoring will be performed during special times during the school year to insure that the Facility remains in compliance with its permitted effluent limits; and
  - e. Access into the Facility has been secured. Access will be limited to authorized personnel and vehicles only.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Clint ISD has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Facility, Clint ISD is alleged to have failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014005001, Effluent Limitations and Monitoring Requirements A, and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on June 26, 2007, as shown in the following table:

Date	Biochemical Oxygen Demand Single Grab 100 milligrams per liter
Jan. 4, 2007	134
Jan. 11, 2007	101
Jan. 18, 2007	234
Jan. 25, 2007	214
Feb. 8, 2007	372
Feb. 15, 2007	181
Mar. 1, 2007	195
Mar. 8, 2007	104
Mar. 28, 2007	152
Apr. 5, 2007	209
Apr. 12, 2007	108
Apr. 19, 2007	145
May 17, 2007	172
May 24, 2007	196
May 31, 2007	146
June 7, 2007	118
June 21, 2007	116
June 28, 2007	156

## III. DENIALS

Clint ISD generally denies each allegation in Section II ("Allegations").





#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Clint ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Clint ISD's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Clint Independent School District, Docket No. 2007-1327-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Clint ISD shall, within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Permit No. WQ0014005001. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1206

3. The provisions of this Agreed Order shall apply to and be binding upon Clint ISD. Clint ISD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.



4. If Clint ISD fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Clint ISD's failure to comply is not a violation of this Agreed Order. Clint ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Clint ISD shall notify the Executive Director within seven days after Clint ISD becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Clint ISD shall be made in writing to the Executive Director. Extensions are not effective until Clint ISD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Clint ISD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Clint ISD, or three days after the date on which the Commission mails notice of the Order to Clint ISD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Sullivan  
For the Executive Director

1/21/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ricardo Estrada  
Signature

Oct. 29, 2007  
Date

Ricardo Estrada  
Name (Printed or typed)  
Authorized Representative of  
Clint Independent School District

Superintendent  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY

RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

1964

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
RECEIVED  
JAN 10 1964  
FROM THE  
LIBRARY OF THE  
UNIVERSITY OF CHICAGO